Preserved

Returns

App. F. IX-4

Previous References (193 S.-31 Secy) Secy File No. 11-35

Serial Nos. 1-7

Letter References.

Secy 14-38-1-8

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1-7

Part B for November 1935

SUBJECT.

Appeal petition of Mr Bapu
in re: the ½ share in Sarvana
-nya Narayanaire, Vellala
Trade Palace

No 870 5-11-35

To

WD 03607—GPB—22,500—2-8-35

Mr. B. Kathiramanathan
Advocate
Jaffna

Sir, I am to say that his application
has been [illegible] as an
application [illegible] Appeal

General and Revenue Secretariat | File No. of 193

Serial No

There is a question of unauthorised alienation of certain Inam lands belonging to Sri Venkatramana Mutt. The Mrs Commr in his order passed on the petn filed on behalf of the Mutt, has referred the matter to the Mrs. office of Hoskote Taluk for inquiry and disposal. The Mrs officer will naturally take necessary action under sec 30 of the R of Th Instn Regn. The appellant has to establish his title before the Mrs. officer, and seek further remedies if the order of the Mrs officer would be adverse to his interests. It seems therefore not necessary to interfere with the Mrs order at this stage, when there is no data to determine the title of the appellant

TSD 4/9.

Where is the order of the Mrs. in the case alluded to in the ~~appeal~~ petn filed before us?

(1) It is not available in the record

Mrs. Br } to kindly obtain and put up the
v.c. }

name

TSD 6/9 (1) If called, This will be Called for from the Mrs. Court

GS 6/9

(2) Order filed.

GS 6/9

6/9

TYPING SECTION.
9 SEP. 1935
SECT.

NOTE - Contn Sheet

WD 02553—50,000—GPB—8 7 30

Mun appl 89 35-36 re Share in Name in Kere Shanbhag
Village boundaries — appl of the Raiya

Mag File No. 11 of 1935. General and Revenue Secretariat

No 3760 10.9.1935 from the Magistrate Calling for additional records

Petition dy 23.9.35 filed by Mr. C. Lakshmana Gowda, Advocate for the appellant requesting that the appeal preferred may be dismissed as the subject matter thereof is already under enquiry before the Sub Division Officer Bantwal

Petition dy 3.10.35 filed by the same Advocate requesting the return of the order copy filed by him.

The request of the Petr in P.No I is for orders: it is noted that if this is acceded to the records received from the M.C. will be returned with the intimation that no additional records called for need now be sent as the Petr has applied for withdrawal of the appl.

As to the 2nd request in P.No II, it is noted he will be told that his request is not possible, as the copy of the decision given by the M.C. forms part & parcel of the records of this Office — and for which

4/10/35

19/9/35

Serial No.

Since the Advocate for the appellant himself has requested that the appeal may be dismissed, the request may be complied with.

He prays for the return of the order copy filed with the appeal petition. This request also may be complied with.

21/10/35

(Gen: Secy)

I doubt if a party can ask for an order of "dismissal" of appeal. If he may withdraw his application W.C.L. Gonda will be informed that his appln is treated as an appln for withdrawal of appeal and the enclosures returned

21 OCT. 1935

25 OCT. 1935

21/10

21/10

25/10

31/10

Note–Contn Sheet

Mlg File No. 11 of 1935

General and Revenue Secretariat

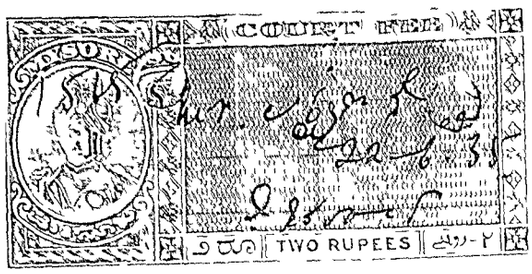
No 590 dy 5. 11. 1935 to the Advocate for the appellant intimating that his application is treated as an application for withdrawal of the appeal and the request granted —

Memo no 591 dy 5. 11. 1935 to the Rajah Shama Rao the appellant forwarding copy of the above

Memo no 592 dy 5. 11. 35 to the Mysore Commissioner returning records received from him & stating that the additional records called for need not be sent —

7

B
4/11/35



SECOND M... 5 No. 132

22.

Before the Govt. of H.H. the Maharaja of Mysore

Muz.Ap. 8 of 1935-36

Applt.(oppt.).- Bapu Shamarao, Sarvamanya Narayanakere, Anugondahalli Hobli, Doskote Taluk.

vs. May 11-35-1

Respt.(petr.).- Sri Uttaradi Mutt by agent A. Yegnavittalachar, residing in Sri Uttaradi Mutt Buildings, Shankarpur, Bangalore City.

Under S. 38 of the Religious and Charitable Institutions Regulation (VII of 1927)

The applt. above-named begs to appeal against the order of the Muzrai Commissioner in Muz. P.C. No. 411 of 1933-34, referring the matter of respdt's prayer for resumption of applt's lands, for inquiry, on the following grounds:-

The 5/7/35

617

1. In passing the order in question the Muzrai Commissioner has completely lost sight of the law on the point, viz., -

(i) that under the Chief Commissioner's Notification in question, inam lands held for 50 years or upwards computing the period of possession up to 14-12-1817 have to be confirmed as inam to the holders, and that the original inamdar's title is not recognised in respect of such lands.

(ii) that, in the case of lands alienated prior to 1853 but subsequent to 14-12-1817 the lands have to be confirmed on jodi of half the full assessment; and

(iii) that in the case (only) of lands alienated subsequent to 1853 the land is liable to be summarily

resumed.

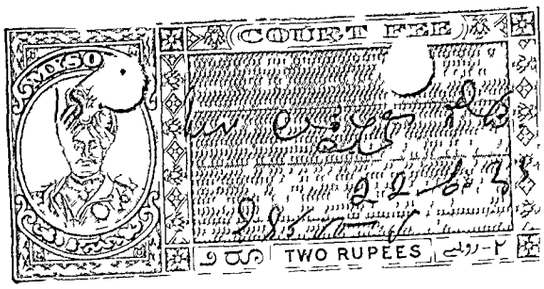
2. It is clear from the above, that, the instances of Govt. imposing full assessment, referred to in parah 1 of the order of the Muzrai Commissioner, must necessarily have been those falling under the third of the above categories and the Muzrai Commissioner erred in not noticing this aspect of the matter.

3. Moreover, in this case, there is nothing left to be investigated, as the Inam Settlement Register which is the basis of respdt's title itself and is hence binding on him, makes mention of all relevant facts including the fact of possession of ½th of the village by the applt's ancestors and their co-sharers for 83 years prior to the date of the record, viz., 1874.

Prayer for Stay.- The applt. respectfully submits that, as shown above, the order of the Muzrai Commissioner is on the face of it bad, that the holding of the inquiry while this appeal is pending will be a needless trouble and waste of time to the parties and to the Muzrai Officer, and that hence it is just and proper that the inquiry ordered should be stayed pending the disposal of this appeal,

And humbly prays for an order accordingly.

Adv. for applt.
~~15-6-35.~~
5-7-35



~~IN THE COURT OF the~~
Before the Govt. of H.H. the Maharaja of Mysore

Misc. Ap. 34-35

~~Applt.~~
Bapu Rama Rao vs Sri Uttaradi Mutt Resp^t
by agent Yegna Vittalachar

VAKALATNAMA

executed by the ~~applt. above named~~ in favour of
Mr. C. Lakshmana Gouda, B. A., B L, advocate

~~I~~ hereby empower the said advocate , in person or by proxy, on ~~my~~ behalf, to appear in, and conduct the above case as well as all proceedings arising out of and connected with the same, to compromise the same, and to do all such acts as may be proper and necessary for the due conduct thereof including the signing, and presentation in Court, of the necessary petitions and papers.

And ~~I~~ further authorise the said advocate to receive and give receipts for, any money, document, or other moveable property, that is, or may become, payable or deliverable to me in the course of the said case or proceedings.

13-6- 1935

Known to me and signed before me Csg

Accepted Cdelhmana Gouda

V Sangha Press, B City

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 13th

No. ~~Fl.~~ 38
Muz 11-35-2

ENDORSEMENT.

Mr.C.Lakshmana Gowda, B.A., B.L.,
Advocate, Bangalore City.

Subject:- Petition dated 5th July 1935 by Sriyuths - against the orders of the Muzrai Commissioner in the matter of 1 annare in Karva Kariya Dharmada Kere Village, Gokoti Taluk, in possession of Mr.Bapu Rama Rao and others and praying for a stay order.

With reference to his petition dated 5th July 1935 the petitioner Mr.Bapu Rama Rao is informed that the request for a stay/orders passed by the Muzrai Commissioner cannot be complied with.

for C.P.,

d/- H.V.Ramaswami,

General Secretary to Government.

Memo No. 39/Muz Secretariat dt 13-7-35.

Copy of the above ~~forwarded~~ together with the appeal petition and its enclosures in original is forwarded, with compliments, to the Muzrai Commissioner, for information and with request that the connected records may be submitted to Government early and the appeal petition and its enclosures returned.

By Order,

for General Secretary to Government.

Section Revenue

File No. II - 35

G.O. Ms. Serial No. 2

No. 38

To

Mr C. Lakshmana Gowda
B.A. B.L.
Advocate. Bangalore

Subject:- ~~A.P.P. against~~ Petition dated 5th July 1935 appealing against the assessment made by the M.C. in the matter of the share in Sarvamanya Narayanamakeri village, Hoskote Tq., in possession of Mr. Bapu Shama Rao & others and praying for a stay order.

Sir,

With reference to your petition dated 5/7/35 filed by you on behalf of Mr. Bapu Shama Rao & others praying for an order staying ~~the~~ proceedings

---

Diary No. of letter replied to .....

General and Revenue Secretariat.

( )

the 193

Date of issue 13-7-35

Signed by B. Muddu Krishnappa

List of enclosures.....

Copied by .....

Examined by .....

for a stay of the writs passed

by the M.C., ~~I am directed~~
~~the petitioners are~~ informed
~~to state inform you~~ that ~~Hon~~ his

request ~~upon for~~ for a stay

of the writs of by the M.C.

Cannot be complied with.

~~B. G. [illegible]~~

~~[illegible]~~

2

1017

~~Of the above~~
~~together with the appeal in original is~~
~~petition & its enclosures~~

~~Gen~~ ~~Hon~~ Copy forwarded with compliments 913-7-33-
~~Gen~~ ~~Hon~~ M.C. for information with the request that
~~he is requested that the record~~
the connected records
~~Forwarded with the case - may~~

~~be~~ be called for. ~~forwarded to the~~
to Govt ~~hand~~ and the appeal petn & its enclosures returned.

B. O

2/10/17

For Gen Sec

G S

~~Hon~~

1/10

M C 13.]

No. M.C.4/35-36 Appeal Petn. & this office file

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Dated, Bangalore, 22nd July *1935.*

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

H. V. Ramaswami, Esq., M.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department.*

GENERAL BRANCH
24 JULY 1935

SIR, 2417

Appeal petition of Mr. Bapu Shama Rao in re: the ¼ share in Sarvamanya Narayanakere Village, Hoskote Taluk.

Adverting to your Memo No.39/Muz. dated 13th July 1935 calling for the records re: the above, I have the honor to forward herewith this office file No.D1 Dis.319/34-35 dated the 8th June 1935.

The petition and its enclosures received with your Memo under advertence are returned herewith.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAH

General and Revenue Secretariat

No. 376 Rev 1
Mis 11-35

Dated, Bangalore, [illegible] Septr. 193[illegible]

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

Subject - Appeal Petition of Mr. Bapu Bhau Rao in re- the one-fourth share in Sarvamanya Narayanakere Village, Hoskote Taluk.

With reference to your letter No. R.C. 4/35-36 dated 24th July 1935 forwarding your office file on the above subject, I am directed to state that a copy of the High Court order in the case is not found among your office papers and to request you to be so good as to forward the same at an early date for reference.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

psk-2

Appendix F. G.–1]

SUBJECT

Section Mug

File No 11– 35

Serial No 5

Diary No. of letter replied to

No 376 Mc 1

To

The M.C.

General and Revenue Secretariat

( )

the *193*

Sir, Subject:- Appl. of Rao Bahadur Shamba Rao in re. The 1/4 Share in Savanangi Nanjanakere Village – Hosakote Tk.

Date of issue 10-9-35

Signed by Mallabrishnappa

Ref. to your letter No. M.C. 4/35-36 dt 24.7.1935 forwarding your office file on the above subject, I am directed to state that a copy of the High Court order in the case is not found among your office records & it seems

List of enclosures

Copied by

Examined by

You will be so good as to forward ~~at~~
at an early date.
The same for Rep.[co]

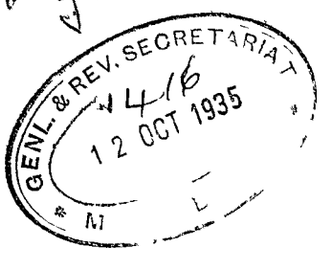
Yours Etc

J. Gay

For Gen. Sec.

GS
99

Mur. G.I.S.



Revs 11-35-5

Before the Govt. of His Highness
the Maharaja of

Mur Ap. 3 of 1934-35.

Applt.
Bapu Shama
Rao

Respt.
vs. Kotta adi Nrett

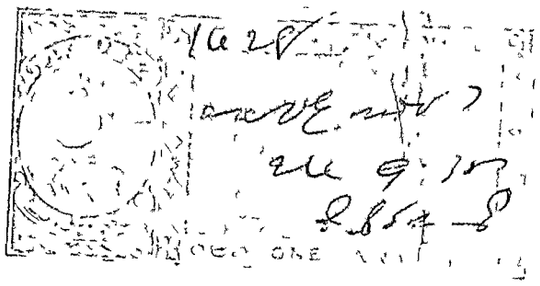
Applt's memo.

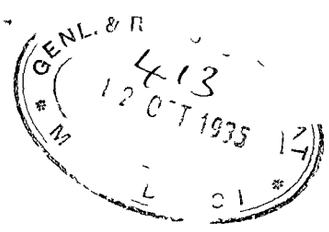
The above appeal may be dismissed as the subject-matter thereof is at all under inquiry before the Sub Divisional Officer, Doddballapur Range, as per the remand order of the Inspection Commissioner, and there is no necessity to trouble the Govt. in respect of the same just at present.

[illegible]
Applt.

Chokkanna Gowda
Advt. for applt
23-9-35

General Secretary
with compliments.





Before the Govt. of H. H. the Maharaja of Mysore.

Mucg. Ap of 34-35 Mcg 4-35-6

Appellt Respt.

Bapu Shama Rao vs Uttaradi mutt

Appellt's return application

The ~~petr~~ appellt prays for return of the order copy filed along with the memo of appeal in the above case, as the same is needed for the purposes of the case remanded to the SDO for inquiry & disposal

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 4th November 1935.

No. FL 590 Muz 11-35-7
Encl one

ENDORSEMENT.

To

Mr. C. Lakshmana Gowda, B.A., B.L.,
Advocate, Bangalore City.

With reference to his petitions of 20rd September 1935 and 3rd October 1935 presented on behalf of Mr. Bapar Bhama Rao in connection with the appeal preferred against the decision of the Muzrai Commissioner regarding 1/4th share in Sarvamanya Narayanapura Village, Hosakote Taluk belonging to Sri Uttaradi Mutt, Mr. C. Lakshmana Gowda is informed that his application dated 20rd September 1935 is treated as an application for the withdrawal of the appeal referred to above and is granted, and that the enclosure received with his appeal petition of 5th July 1935 is herewith returned as prayed for in his application dated 3rd October 1935.

By Order,

Sd. M. Venkatesa Iyengar
General Secretary to Government.

Aga/5.

Memo No. 5-9 Muz Dated, Bangalore the 4th November 1935.
Encl Recd, 5—

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore returning the records so far received from him with his letter No.H.C.4/35-36 dated 24th July 1935 with the intimation that the additional receipts called for in this office letter No.376 dated 10th September 1935 need not be sent.

By Order,

For General Secretary to Government

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mis

File No. 4-35

Serial No. 7

4

1

Diary No. of letter replied to .....

No 590 Enclose

To ~~Mr Bapu Shamarao~~

~~C/o~~ Mr C. Lakshmanaraya B.A.B.L. Advocate Bangalore City.

(1)

General and Revenue Secretariat

( )

the *193*

Date of issue 5/11/35

Signed by Mr B.R.C.

With ref^ce to his pet^n of 23.9.35. presented on behalf of Mr Bapu Shamarao, dt 8.10.35, ~~in the matter of~~ in connection with the appeal preferred against the decision of the M.C. re: 1/4 Share in Sarvamanya Nadaj Anakere Village Hobli Tk. belonging to Sri Ganapathi Bhatta, Mr C. Lakshmanaraya ~~Bapu Shamarao~~ is informed that his application dt 23/9/35, is treated as an application for the withdrawal of the appeal pet^n to abate & ~~the appeal~~ to be granted ~~appeal~~ both or each by the ~~appellants~~ ~~have left~~ the and that the Enclosure ~~is~~ and with his appeal pet^n of 5.7.35

List of enclosures .....

Copied by .....

Examined by .....

is hereto returned as prayed for in his app^n dt 3.10.35

B.O

Dy S
31/10

for Gen Sec
Copy to the Asst Records
Records No 1992 dt
Copy to the Asst Records
Records so that necessary action
with his letter No HC 4/35-36
dt 24.7.1935 ~~with the information~~
~~that~~ additional records called
for in this office letter no
376 dt 10/9/35 ~~has~~ need not be sent
~~longer necessary~~

B.O

31/10

for Secy

GS
31/10

General and Revenue Secretariat

File No. 11 of 193 [illegible]

1.

2 Under the 38 of the [illegible]

NOTE—Contn Sheet

3. It is seen from the Dist order (Flag X) the Civil Courts have held that the Appellants in the present case & his co-Sharers are owners of ½ Share of the Village by reason of the gift Sri Mulavanti and are not liable to pay rent to the Mutt (Respondent in this Case). This has been upheld by the High Court. In this connection it may be stated that the ~~Revenue~~ Civil Courts have no jurisdiction to decide questions arising under Sec 30 of the Madras Religious & Charitable Endowments Act VII of 27. What they have decided is and the question of payment of arrears of kandayam dues more. As regards the validity of the gift of the Inam by a previous Sabhanigalu it is the Inam Officer that had enquired under Sec 30 and it is this enquiry which the Mutt has ordered. As such there appears to be no need to issue a stay order. Such an order would be necessary only in cases in which the parties applying for it would be put to loss if such an order is not issued immediately. ~~Petitioners~~

4 The records in the case may however be called for to see what the decisions of the Courts & what has been decided during the Inam Settlement & whether the order of the Dist. is justified or not.

8/7/35

(Gen. Secy) Dist Collector

I Member

The 8/7/35

2 6/7

JPV 8/7 The 8/7 2 10/7

GENERAL SECRETARIAT
8 JULY 1935
SECOND MEMBER OF BOR
9 JULY 1935
No. 2112

Mys Appeal Reg 35

General and Revenue Secretariat. Mysore File No. 11 of 1935. [App F III-2

TYPING SECTION 10 JUL 1935 GENL & REV SECTT.

1

No 389/13/7/35-6 the Revenue for the reasons declining the grant of the request for a Stay of Memo no 39 of 13-7-35 of the Mysore Commissioner forwarding Allegations above and Calling for records connected with the Case.

Letter no R.C. 4/35-36 of 24-7-1935 from the Mysore Commissioner submitting his office records relating to the appeal preferred by Rajasri Shama Rao re: the one fourth Share in Sarvamanya Nanjangud Village Hosakote Taluk

2 The Quit rent Register of the Hosakote Taluk

This book call for refce. From page 137 of the same it is seen that the whole of Nanjanagud Village Excepting 1 as 4 Gunthas belongs to Sri Ithmadi Inam entitled to get only the Land Revenue thereof. This is also borne by the Inam Register; only the new Jamabandi Land Revenue of the Village is not stated therein. (Vide pages 128+129 of the Printed Registers)

N.

10 The Inam dars Statement and the Inam Regr Extract forms. The M.C.'s Office file - no doubt refer to 1 to 4

NOTE—Contn Sheet.

Mug appeal 80 of 1935-36
in Warayamkaval Village

Mug File No. of 193 .

General and Revenue Secretariat

¼ Share of the Village having been gifted away to the B. Bhima Bhatta, the ancestor of the petner in view of the troubles the Bonze took in getting the Inam granted to the Mutt, it is also mentioned in the Inam Regr Cotrace received from the Survey office that the Huzur account of 1837 bears out Mediers plea of alienation.

The civil courts have held that the petner along with other Co-Sharers are the owners of ¼ Share of the village by reason of the gift and that they are not liable to pay rent to the Mutt. The Mutt authorities having now obtained to the Mug officers to get back the lands, the M.C. has observed in his order of 8/5/35 as follows:—

× × × × × ×

While the decision of the civil courts, so far as it goes, is binding upon the parties to the civil suit, it certainly does not derogate from the power of Mug authorities to make an independent investigation into the circumstances of the alleged alienation of the lands & take such action as may be permissible & appropriate under Sec 30 of the R & C.I. Regn. The matter is accordingly referred to the

Serial No.

5.

Mag. officer in Charge of the Works To for inquiry & to report to the 8th instance."

11) The Main authorities resorted to civil courts at the very outset. Failing there in their attempts, they resorted to the M.C's Court with the result that the M.C has remanded the matter for investig by the Amildar in the first instance The pres^te (appellant before Govt) says in para 4 of the P & that the order of the M.C is dead, that the holding of the inquiry while this appeal is pending will be a needless double threat of fine to the parties & to the Mag. officer & that the enquiry orders should be stayed. If appeal & our Sec^t will be consulted as to the propriety of the M.C's decision, as the case Karnam taken up the file of his Court against the decisions of the Several Civil Courts.

G.V
23/8/12) Under section 30 of the Religious and Charitable Institutions Regulation, Inspector officers expressly empowers Inspection officers to take action to resume alienated inam lands of a Mutha In the case of alienation of such lands made prior to 31st Jany. 19..

NOTE—Contn Sheet

W.D 02553 50,000—GPB—8 7

1384/35
P Secy, 5/8 8.8.35

Re: Inam Nirvanamaya Nanjundeswara Village Hunsur Tk

M.C. File No. of 1935-6

General and Revenue Secretariat

the Inam Rules contained in the Chief Commissioner's Notifn. No. 266 dated 17th Novr. 1877 are applicable. (Vide the proviso to Sec. 30 of the Religious and Charitable Endowments Regulation) the Amuktai Comr.'s order No. R.C. 411/33-34 dated 8.5.35/24.5.35 is in accordance with section 30 of the Regulation and the Chief Comr.'s Notfn No. 266 dated 17th Novr. 1877. Comr

13) Civil Courts have no right to decide the claim of either Mr. Bapu Shama Rao or Sri Uttaradi matt to hold the lands free of assessment (i.e. as inam lands) as Section 221, clause (b) of the Land Revenue code prevents civil courts from exercising jurisdiction in such cases. There seems to be therefore no necessity to refer the case to the Law Section. Submitted for orders

26.8.35. 14) As already noted at para 3 & 4* Secretariat Supra the Revd Comr. Law Sect may be consulted before finally disposing of the appeal petn

29/8/35

Gen: Secy) 1:) A 4/8 31/8. 31/8

Law Sect)

Law 31/8

* page 2 of the rules

GENERAL DEPARTMENT 29 AUG 1935 (539)